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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/646,188 | 08/22/2003 | Louis A. Rhodes | 706441US5 | 9080 |
| 24938 | 7590 | 01/09/2006 | EXAMINER | |
| DAIMLERCHRYSLER INTELLECTUAL CAPITAL CORPORATION | | | GUTMAN, HILARY L | |
| CIMS 483-02-19 | | | ART UNIT | |
| 800 CHRYSLER DR EAST | | | PAPER NUMBER | |
| AUBURN HILLS, MI 48326-2757 | | | 3612 | |

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/646,188 | Applicant(s) RHODES ET AL. | |
| | Examiner Hilary Gutman | Art Unit 3612 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's arguments filed 3/15/05 is persuasive and the finality of the last Office action is hereby withdrawn. A new action is set forth below:

Claim Objections

1. Claim 3 is objected to because of the following informalities: this claim depends from canceled claim 2 and should instead depend from independent (and still pending) claim 1. On line 1, "of claim 2" should apparently be "of claim 1". Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 3-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Huschle, Jr.

Huschle, Jr. (1,158,223) discloses a seat assembly for a motor vehicle having a floor, the seat assembly comprising: a tub 11, 12 disposed at least partially in the floor; at least one rear leg (lower portion of 3) non-releasably secured to the floor of the vehicle, the at least one rear leg being pivotable to stow the seat assembly in the tub; a seatback (upper portion of 3) fixedly mounted on the at least one rear leg; and at least one front leg 6 releasably secured to the floor of the vehicle.

With regard to claim 3, the at least one front leg 6 is positioned proximate a seat cushion of the seat assembly when the seat assembly is stowed in the tub.

With regard to claim 4, the seatback is rigidly mounted on the at least one rear leg.

With regard to claim 5, the seatback presents a load floor when the seat assembly is stowed in the tub (Figure 2).

With regard to claim 6, the load floor is generally even with the floor of the vehicle.

With regard to claim 7, the tub is disposed generally forward of the seat assembly in a use position or at least a portion of the tub is disposed forward of the seat assembly (Figure 1).

For claim 8, Huschle, Jr. further discloses a seat assembly for a motor vehicle having a tub 11, 12 disposed at least partially in a floor of the vehicle, the seat assembly comprising: at least one rear leg (lower portion of 3) non-releasably secured to the floor of the vehicle, the at least one rear leg being pivotable to stow the seat assembly in the tub; and at least one front leg 6 releasably secured to the floor of the vehicle.

With regard to claim 9, the at least one front leg 6 is positioned proximate a seat cushion of the seat assembly when the seat assembly is stowed in the tub.

4. Claims 1, 6, 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Jach et al.

Jach et al. (6,705,658) disclose a seat assembly (Figures 11-13) for a motor vehicle having a floor 118, the seat assembly comprising: a tub 116 disposed at least partially in the floor; at least one rear leg non-releasably secured to the floor of the vehicle, the at least one rear leg being pivotable to stow the seat assembly in the tub (Figure 13); a seatback 130 fixedly

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mounted on the at least one rear leg; and at least one front leg (generally near 112) releasably secured to the floor of the vehicle.

With regard to claim 6, the load floor is generally even with the floor of the vehicle.

For claim 8, Jach et al. disclose a seat assembly for a motor vehicle having a tub 116 disposed at least partially in a floor 118 of the vehicle, the seat assembly comprising: at least one rear leg (generally near 114) non-releasably secured to the floor of the vehicle, the at least one rear leg being pivotable to stow the seat assembly in the tub; and at least one front leg (generally near 112) releasably secured to the floor of the vehicle.

5. Claims 1, 3, 6, and 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Odagaki et al.

Odagaki et al. (5,269,581) disclose a seat assembly for a motor vehicle having a floor 2, the seat assembly comprising: a tub 9 disposed at least partially in the floor; at least one rear leg (generally 16) non-releasably secured to the floor of the vehicle, the at least one rear leg being pivotable to stow the seat assembly in the tub; a seatback 11 indirectly fixedly mounted on the at least one rear leg; and at least one front leg 18 is releasably secured to the floor of the vehicle.

With regard to claim 3, the at least one front leg 18 is positioned proximate a seat cushion of the seat assembly when the seat assembly is stowed in the tub.

With regard to claim 6, the load floor is generally even with the floor of the vehicle.

For claim 8, Odagaki et al. disclose a seat assembly for a motor vehicle having a tub 9 disposed at least partially in a floor 2 of the vehicle, the seat assembly comprising: at least one rear leg (generally 16) non-releasably secured to the floor of the vehicle, the at least one rear leg

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being pivotable to stow the seat assembly in the tub; and at least one front leg 18 releasably secured to the floor of the vehicle.

With regard to claim 9, the at least one front leg 18 is positioned proximate a seat cushion of the seat assembly when the seat assembly is stowed in the tub.

6. Claims 1, 3, 6, and 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishide (2001/0002759).

Nishide '759 discloses a seat assembly for a motor vehicle having a floor 15, the seat assembly comprising: a tub 16 disposed at least partially in the floor; at least one rear leg 34 non-releasably secured to the floor of the vehicle, the at least one rear leg being pivotable to stow the seat assembly in the tub; a seatback 22 fixedly mounted on the at least one rear leg; and at least one front leg 24, 41, 42 is releasably secured to the floor of the vehicle or capable of being released from the floor.

With regard to claim 3, the at least one front leg 24, 41, 42 is positioned proximate a seat cushion of the seat assembly when the seat assembly is stowed in the tub.

With regard to claim 6, the load floor is generally even with the floor of the vehicle.

For claim 8, Nishide discloses a seat assembly for a motor vehicle having a tub 16 disposed at least partially in a floor 15, 17 of the vehicle, the seat assembly comprising: at least one rear leg 34 non-releasably secured to the floor of the vehicle, the at least one rear leg being pivotable to stow the seat assembly in the tub; and at least one front leg 24, 41, 42 releasably secured to the floor of the vehicle in that the front leg is capable of being released from the floor.

With regard to claim 9, the at least one front leg is positioned proximate a seat cushion of the seat assembly when the seat assembly is stowed in the tub.

Response to Arguments

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

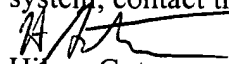
Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is 703-305-0496.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 703-308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Hilary Gutman
December 27, 2005